

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 L-02 CIAE-00 INR-07 NSAE-00 RSC-01

PRS-01 SCA-01 INSE-00 /023 W

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R 042148Z FEB 75

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 6050

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E.O. 11652: N/A

TAGS: PBOR, MX

SUBJECT: FONSEC NOTE ON STATEMENTS BY FORMER MEXICAN  
CONSUL GENERAL AT EL PASO

1. AS DEPARTMENT WILL RECALL, AMBASSADOR MCBRIDE ON NOVEMBER 23, 1973 HANDED SECRETARY RABASA A NOTE REFERRING TO REPORTED STATEMENTS BY THE THEN MEXICAN CONSUL GENERAL IN EL PASO, TEXAS, LIC. FERNANDO FERNANDEZ FARINA. STATEMENTS, WHICH WERE WIDELY REPORTED IN MEXICO CITY PRESS, CHARGED THAT U.S. OFFICIALS WERE RESPONSIBLE FOR SERIOUS ABUSES AGAINST MEXICANS ILLEGALLY IN U.S. AND THAT MEXICAN CONSULAR OFFICERS HAD NEVER RECEIVED RESPONSE FROM U.S. AUTHORITIES TO THEIR INQUIRIES AND COMPLAINTS ON ALLEGED ABUSES. EMBASSY'S NOTE REQUESTED THAT GOM PROVIDE EMBASSY WITH INFORMATION TO SUBSTANTIATE CHARGES, OR, IF UNSUPPORTED BY FACTS, THAT PUBLIC RECORD BE CORRECTED TO SHOW THIS. RABASA AGREED TO INVESTIGATE AND TAKE APPROPRIATE ACTION BUT, IN FACT, NEVER RESPONDED TO EMBASSY'S NOTE NOR DID HE TAKE ANY PERCEPTIBLE CORRECTIVE ACTION. FERNANDEZ FARINA, IN MEANTIME, WAS TRANSFERRED TO LOS ANGELES AND EXEQUATUR WAS REQUESTED. DEPARTMENT'S NOTE OF DECEMBER 12, 1974, INFORMED THE MEXICAN EMBASSY IN WASHINGTON THAT AUTHORITY FOR FERNANDEZ FARINA TO ACT AS CONSULAR OFFICER WOULD BE WITHHELD UNTIL ADEQUATE REPLY RECEIVED TO EMBASSY'S NOTE OF NOVEMBER 23, 1974.

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2. EMBASSY ON JANUARY 28, 1975 RECEIVED REPLY TO ITS

NOTE, SIGNED BY PRINCIPAL CONSULAR OFFICIAL OF FOREIGN SECRETARIAT. SIGNIFICANT PORTIONS OF FONSEC NOTE, IN INFORMAL TRANSLATION, ARE SET FORTH BELOW. COPY OF NOTE BEING POUCHED TO ARA/MEX.

A. QUOTE: ON INSTRUCTIONS FROM THE SECRETARY, I HAVE THE HONOR TO REFER TO THE KIND NOTE 1675 OF NOVEMBER 23, 1973, IN WHICH YOUR EXCELLENCY DISCUSSED THE SITUATION ARISING FROM DECLARATIONS MADE TO THE PRESS BY LIC. FERNANDO FERNANDEZ FARINA, AT THAT TIME CONSUL GENERAL OF MEXICO IN EL PASO, TEXAS, AND WHICH WERE PUBLISHED IN THE NEWSPAPERS OF THIS CAPITAL ON NOVEMBER 18, 1973, RELATING TO IMPROPER TREATMENT ALLEGEDLY GIVEN BY MEMBERS OF THE U.S. IMMIGRATION AND NATURALIZATION SERVICE AND BORDER PATROL TO MEXICAN NATIONALS WHO SURREPTITIOUSLY ENTER THE TERRITORY OF THE UNITED STATES IN SEARCH OF WORK.

B. THE REPLY TO THE NOTE UNDER REFERENCE (WAS DELAYED WHILE) PERTINENT INSTRUCTIONS WERE ISSUED TO OBTAIN THE FACTUAL INFORMATION NECESSARY IN ORDER TO BE ABLE TO DEVELOP THE ELEMENTS OF JUDGMENT WHICH THE MATTER MERITED.

C. ACCORDING TO THIS INFORMATION, THREE DAYS LATER ON NOVEMBER 21, 1973, THE CITED CONSUL GENERAL OF MEXICO COMMUNICATED TO THIS SECRETARIAT THAT THE JOURNALISTS HAD UNDOUBTEDLY INTERPRETED HIS DECLARATIONS ERRONEOUSLY, SINCE AT NO TIME HAD HE SAID THAT HE WAS DISCUSSING A GENERALLY PREVAILING SITUATION; THEREFORE HE IMMEDIATELY PROCEEDED TO RECTIFY THE DISTORTION OF HIS DECLARATIONS. IN EFFECT, ON THAT SAME DATE ON CHANNEL 4 TELEVISION IN EL PASO, TEXAS, WHICH GIVES AMPLE DISSEMINATION TO NEWS IN THAT AREA, HE MADE CLEAR THAT THE CONSULATE GENERAL IN HIS CHARGE ONLY HAD SOME COMPLAINTS AGAINST THE IMMIGRATION SERVICE AND THE BORDER PATROL, (THAT THESE) WERE BEING INVESTIGATED, AND THAT DEPENDING UPON THE RESULTS OF (THESE INVESTIGATIONS), APPROPRIATE ACTION WOULD BE TAKEN.

D. AS YOU WILL APPRECIATE, WITH THE CLARIFICATIONS MADE BY CONSUL FERNANDEZ FARINA OF THE NEWSPAPER ARTICLES, LIMITED OFFICIAL USE

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IT WAS BELIEVED THAT THE MISUNDERSTANDING CAUSED BY THE PRESS REPORTS WAS CLARIFIED IN TIMELY FASHION.

E. I TAKE THIS OPPORTUNITY TO EXPRESS APPRECIATION FOR THE FACILITIES PROVIDED TO MEXICAN CONSULS IN THE DETENTION CENTERS IN ORDER THAT MEXICAN NATIONALS MAY HAVE THE OPPORTUNITY TO EXPRESS THEIR COMPLAINTS, CLAIMS FOR UNPAID WAGES, OR OTHER MATTERS BEFORE BEING RETURNED

TO MEXICO. END QUOTE.

3. THE EMBASSY FEELS SURE THAT ITS 1973 NOTE WOULD NOT HAVE BEEN ANSWERED EXCEPT FOR THE POSITION TAKEN BY THE DEPARTMENT IN ITS NOTE OF LAST DECEMBER. THE FONSEC OFFICIAL (AGUILAR) WHO DRAFTED THE JANUARY 28 NOTE DISCUSSED THE MATTER WITH CONSUL GENERAL PETERSON ON JANUARY 21. HE SAID THAT THE DEPARTMENT'S NOTE HAD CAUSED RABASA "SOME TROUBLE", AND THAT HE HAD BEEN ASKED TO PREPARE A REPLY. AGUILAR SAID HIS INVESTIGATIONS REVEALED THAT FERNANDEZ FARINA'S REMARKS HAD BEEN MISINTERPRETED AND DISTORTED BY THE "YELLOW PRESS". HE ADDED, HOWEVER, THAT THE CONSUL GENERAL'S REMARKS HAD TO BE VIEWED IN THE CONTEXT OF THAT PERIOD, DURING WHICH THE GOM POLICY WAS TO AGITATE FOR A NEW BRACERO AGREEMENT. THE REMARKS, HE SAID, WERE PART OF THE GOM'S EFFORT TO BRING PRESSURE ON THE USG. NEVERTHELESS, THE CONSUL GENERAL, UNDER INSTRUCTION FROM THE SECRETARIAT, MADE THE CLARIFYING STATEMENT ON TV (MENTIONED ABOVE). SINCE THE GOM'S (RECENT) DECISION NOT TO PRESS FOR A NEW BRACERO AGREEMENT, THE CONSUL GENERAL HAD BEEN INSTRUCTED NOT TO MAKE ANY MORE POLITICAL STATEMENTS CONCERNING THE ILLEGAL WORKERS.

4. THIS INCIDENT PROVIDES INTERESTING INSIGHTS INTO GOM TECHNIQUES FOR ADVANCING ITS INTERESTS. ON BALANCE, THE EMBASSY CONSIDERS THAT THE GOM HAS NOW RESPONDED ADEQUATELY TO EMBASSY REPRESENTATIONS, THAT FERNANDEZ FARINA IS UNLIKELY TO MAKE SIMILAR DECLARATIONS IN THE FUTURE, AND THAT THE FOREIGN SECRETARIAT HAS BEEN REMINDED THAT ITS CONSULAR FUNCTIONARIES IN THE UNITED STATES MUST OBSERVE AT LEAST MINIMAL STANDARDS OF DISCRETION AND COURTESY TO HOST GOVERNMENT. ALL ELSE BEING EQUAL, THE EMBASSY RECOMMENDS THAT THE CONSULAR AUTHORITY REQUESTED FOR FERNANDEZ FARINA LIMITED OFFICIAL USE

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BY THE GOM BE GRANTED AND THAT INCIDENT BE CONSIDERED CLOSED. CONTINUED VIGILANCE AND APPROPRIATE ACTION, HOWEVER, TO DEAL WITH INCIDENTS SUCH AS THIS ARE ESSENTIAL IN ORDER TO ASSURE THAT THE USG IS NOT ABUSED OUTRAGEOUSLY, WITHOUT JUSTIFICATION, AND WITH IMPUNITY.  
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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 10 SEP 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <10 SEP 2003 by BoyleJA>; APPROVED <04 NOV 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
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**TAGS:** PBOR, MX, US, (FERNANDEZ FARINA, FERNANDO)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006